

CHARTERED 
INSTITUTE OF PROFESSIONAL CERTIFICATIONS

SOUTH AFRICA LAWS ON EMPLOYMENT TERMINATION, DISMISSAL AND RETRENCHMENT

**Fully Accredited
By:**

Chartered Institute of
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CPD
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PROGRAM OVERVIEW

Each year, **over 180,000 employment disputes** are referred to **South Africa's Commission for Conciliation, Mediation and Arbitration (CCMA)**, with the majority stemming from claims of unfair dismissal or termination. This high volume reflects the complexity of South Africa's termination laws, which impose stringent procedural and substantive requirements on employers, making it exceptionally difficult for HR leaders to navigate terminations without triggering disputes or legal challenges.

This certified program will equip you with comprehensive legal framework governing employment termination, dismissal, and retrenchment in South Africa. You will gain a deep understanding of the **critical procedural steps required for lawful dismissals**, including distinctions between dismissals for misconduct, incapacity, and operational requirements. Additionally, you will explore how to **conduct legally sound retrenchment processes** in line with Section 189, including consultation obligations, selection criteria, severance pay requirements, and alternatives to retrenchment.

ACCREDITATIONS



4.8



4.6





PROGRAM OVERVIEW

Through real-world case studies and landmark decisions from the CCMA and Labour Courts, you will develop strategies to **minimize legal exposure and strengthen organizational compliance**. You'll learn to draft **defensible termination policies, manage legal risks** during disciplinary hearings and investigations, and effectively document processes to withstand legal scrutiny. Additionally, this program will help you gain practical guidance on **aligning termination practices with constitutional and legislative mandates**, especially in unionized environments where collective bargaining agreements and trade union consultation requirements must be rigorously observed. By the end of this program, you will be equipped to structure robust exit strategies, implement proactive compliance frameworks, and enable your organization to avoid costly litigation while upholding fair labour practices.

Upon successful completion of the program, you will be awarded the **Certification in South Africa Employment Termination and Retrenchment Law**, enhancing your professional credentials and strengthening your expertise in the critical area of employment termination and labour law compliance. This industry-recognized certification holds lifelong validity and will distinguish you as a trusted expert in managing dismissals, retrenchments, and workforce exits in accordance with South Africa's legal and ethical standards.

ACCREDITATIONS



4.8



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KEY SKILLS YOU WILL GAIN

From This Program



**SOUTH AFRICAN LABOUR LAW COMPLIANCE
LABOUR RELATIONS ACT (LRA) APPLICATION
BASIC CONDITIONS OF EMPLOYMENT ACT
(BCEA) INTERPRETATION**

**CONSTITUTIONAL RIGHTS IN EMPLOYMENT
TERMINATION
CLASSIFICATION OF TERMINATION TYPES
SUBSTANTIVE AND PROCEDURAL FAIRNESS**

**MISCONDUCT DISMISSAL PROCEDURES
INCAPACITY AND ILL-HEALTH TERMINATION
POOR PERFORMANCE MANAGEMENT
CONDUCTING DISCIPLINARY HEARINGS**

**SECTION 189 AND 189A RETRENCHMENT
PROCEDURES
RETRENCHMENT CONSULTATION AND SELECTION
CRITERIA
DISGUISED DISMISSALS IDENTIFICATION**

**LEGALLY SOUND TERMINATION NOTICES
RETRENCHMENT AND DISMISSAL LETTERS**

YOUR FACULTY DIRECTOR



Aslam Moolla

Highly Distinguished Employment and Labour Law Specialist

Aslam Moolla is a highly regarded Labour Law specialist with over 13 years of experience, dedicated to promoting fair workplace practices and advocating for employees' rights. He holds a Master's in International Trade Law and is licensed by the Legal Practice Council of South Africa. With expertise in employment litigation and legal compliance, **Aslam has represented clients before the Labour Court, High Court, and CCMA.**

He has also conducted legal **compliance audits and developed HR policies for major organizations, including Durban ICC and Gift of the Givers. Aslam's insights are shared with over 600,000 social media followers**, and he regularly appears in media outlets to provide expert advice on labour law and workplace rights.

OUR PARTICIPANTS

Over 70% of FORTUNE 500 Companies Have Attended Our Accredited Programs Before





PROGRAM AGENDA

MODULE 1 - UNDERSTANDING THE LEGAL FRAMEWORK

Overview of the Labour Relations Act (LRA), BCEA, and Constitution
Key definitions: Dismissal, Retrenchment, Mutual Separation, Fixed-Term Contract Expiry

MODULE 2 - TYPES OF TERMINATION

Dismissal vs Retrenchment vs Resignation vs Retirement
Understand when a “Dismissal” Legally Occurs

MODULE 3 - DISMISSAL FOR MISCONDUCT

Substantive and Procedural Fairness (Schedule 8)
Disciplinary Hearings and Sanctions

MODULE 4 - DISMISSAL FOR INCAPACITY OR POOR PERFORMANCE

Differentiating Misconduct vs Incapacity
Process for Managing Ill-Health or Performance Issues

MODULE 5 - RETRENCHMENTS AND OPERATIONAL REQUIREMENTS

Section 189 and 189A of the LRA
Selection Criteria and Consultation

MODULE 6 - PROBATION, FIXED-TERM CONTRACTS & TEMPORARY EMPLOYMENT

Terminating Probation Fairly
Ending Fixed-Term Contracts Lawfully

MODULE 7 - MUTUAL SEPARATION AGREEMENTS (MSA)

When and How to Use MSAs
Ensuring Voluntariness and Enforceability

MODULE 8 - DRAFTING LEGALLY COMPLIANT TERMINATION DOCUMENTS

Notices, Hearing Outcomes, Retrenchment Letters
Common Drafting Mistakes

MODULE 9 - DEFENDING DISMISSALS AT THE CCMA OR LABOUR COURT

The CCMA Process: Conciliation, Arbitration, Evidence
Employer Preparation and Representation

MODULE 10 - ETHICAL OFFBOARDING AND LEADERSHIP DURING EXITS

Preserving Morale and Employer Brand
Employee Dignity and Communication

YOUR CHARTER DESIGNATION



Chartered Institute of Professional Certifications' programs are unique as they provide you with professional charter designations and marks that can be used across your lifetime once you have completed our programs.

Upon successfully attending this program, you will be awarded with the **Certification in South Africa Employment Termination and Retrenchment Law** that can be used in your resume, CV and other professional credentials. This certification is industry-recognized with lifelong validity.

Globally recognized and highly regarded, this certification will elevate your professional profile and validate your expertise in navigating the complexities of employment termination, dismissal, and retrenchment compliance under South African labour law. Developed by the **Chartered Institute of Professional Certifications**, this program has been independently accredited by the **CPD Certification Service**, ensuring it meets the highest standards of continuing professional development principles.

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of Our Programs

Singapore and Asia Pacific Enquiries

Email: advisor@charteredcertifications.com
Phone: +65 6716 9980
Address: Chartered Institute of Professional Certifications
1 Gateway Drive
#20-04 Westgate Tower
Singapore 608531

Australia and New Zealand Enquiries

Email: advisor@charteredcertifications.com
Phone: +61 3 9909 7310
Address: Chartered Institute of Professional Certifications
530 Little Collins Street, Level 1
Melbourne VIC 3000, Australia

UK, Europe and Middle East Enquiries

Email: advisor@charteredcertifications.com
Phone: +44 (020) 335 57898
Address: Chartered Institute of Professional Certifications
86-90 Paul Street
London, EC2A 4NE

USA Enquiries

Email: advisor@charteredcertifications.com
Phone: +1 888 745 8875
Address: Chartered Institute of Professional Certifications
99 Wall Street #3936
New York, NY 10005